

## AGENDA

### COMMITTEE ON LANDS AND BUILDINGS

**June 28, 2005**

**Aldermen Thibault, Roy,  
Gatsas, Osborne, Porter**

**6:00 PM**

**Aldermanic Chambers  
City Hall (3<sup>rd</sup> Floor)**

1. Chairman Thibault calls the meeting to order.
2. The Clerk calls the roll.
3. Request by Nicholas Bonardi to purchase a discontinued portion of So. Bedford Street at So. Commercial Street.  
*(Note: referred back to Committee by BMA on May 3, 2005 and communication from Alderman O'Neil dated April 29, 2005 enclosed.)*  
**Gentlemen, what is your pleasure?**
4. Communication from Alvin Corzilius and Ralph Sidore seeking the Board's approval to encroach the sidewalk area at entrance to 150 Dow Street (Tower No. 1) to provide additional safety rails and improve the appearance as outlined.  
**Gentlemen, what is your pleasure?**
5. Copy of a communication from Ken Edwards, MHRA Assistant Executive Director to Brian Cullen, CMC Offsite Property Director requesting approval of temporary leasing space for 350 vehicles at the JacPac site to CMC for approximately twelve (12) months during construction subject to conditions as outlined.  
**Gentlemen, what is your pleasure?**
6. Communication from Louis Nixon, on behalf of Carol Gosselin and Bonita Kershaw, seeking an easement for access across the former NH Central Railroad bed to 534 Douglas Street.  
*(Note: on April 18, 2005 referred to Solicitor's Office and Public Works for draft easement for access across railroad bed. Draft access easement submitted by the Solicitor's Office enclosed.)*  
**Gentlemen, what is your pleasure?**
7. If there is no further business, a motion is in order to adjourn.

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**To the Board of Mayor and Aldermen of the City of Manchester:**

The Committee on Lands and Buildings respectfully recommends, after due and careful consideration, that the Board of Mayor and Aldermen find property located on a portion of South Bedford Street at South Commercial Street surplus to city needs and that said property be disposed of through sale to Nicholas Bonardi, subject to conditions. The Committee notes that it finds cause to dispose of the property in such manner in that it has been determined that there are no known City uses for the parcel, and that sale of such parcel can only benefit this abutter.

The Committee recommends that such disposition be subject to consolidation of said parcel with Tax Map 274, Lot 7A; and further subject to receipt by the City of \$20,000, an amount deemed agreeable by the Board of Assessors.

The Committee further recommends that the City Solicitor be authorized to prepare such documents as may be required to carry out such disposition and that the Mayor be authorized to execute such instruments as may be required subject to the review and approval of the City Solicitor.

**IN BOARD OF MAYOR & ALDERMEN**


**DATE:** May 3, 2005

**ON MOTION OF ALD.** O'Neil

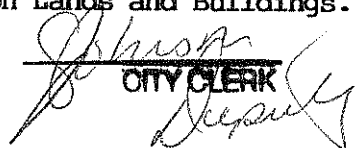
**SECONDED BY ALD.** Porter

**VOTED TO** refer back to the Committee  
on Lands and Buildings.

Respectfully submitted,



Clerk of Committee



**CITY CLERK**

# Tri-State Enterprises

3 SO. BEDFORD ST.  
MANCHESTER, N.H. 03101  
TELEPHONE 603/668-4840

3

*Rentals and Sales  
Monte Carlo &  
Vegas Nite Equipment  
Lucky Sevens  
Bingo Equipment*

*Video &  
Amusement Games  
Restaurant Equipment*

October 5, 2004

Board of Mayor & Alderman  
City Clerk  
1 City Hall Plaza  
Manchester, NH 03101

Dear Mayor and Board of Alderman;

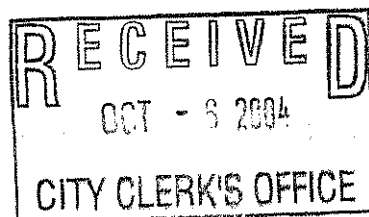
I would like to acquire the portion of South Bedford Street that was discontinued in front of my building at the corner South Commercial and South Bedford Streets.

Thank you for your time in considering my request.

Sincerely,



Nicholas Bonardi  
Tri State Enterprises  
Owner



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To: Committee on Lands and Buildings  
From: Board of Assessors  
Date: January 4, 2005

Re: South Bedford Street discontinuance and land  
Request to Purchase Property

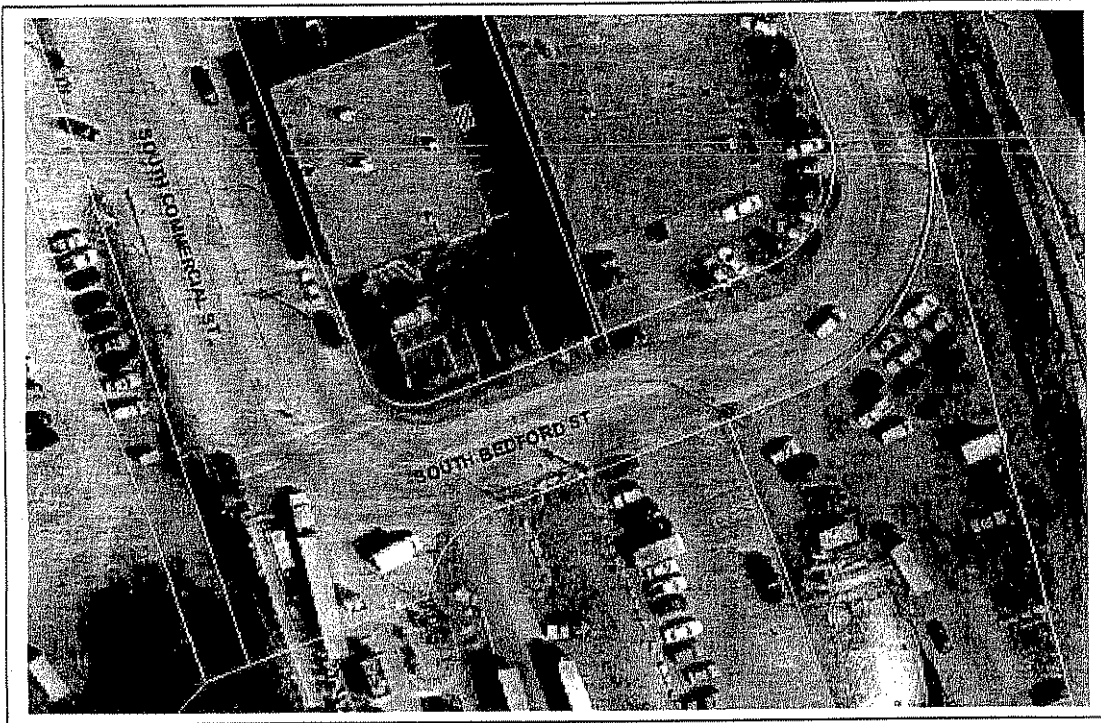
The Assessors have completed an analysis of the estimated market value of the above referenced property. A site inspection was conducted on December 2, 2004. An analysis of the available assessing records has been completed. A review of sales of developable land has also been completed. The following is a summary of important facts, and the value estimate:

Property Location	South Bedford Street
Assessors Map/Lot	N/A
Property Owner	City of Manchester
Deed Book/Page	N/A
Date Acquired	Unknown
Improved/Vacant	Vacant
Total Land Area	4,335 sq. ft. on South Bedford & 347 sq. ft. between South Bedford & South Commercial, totally 4,682
Current Zoning	CBD
Easements/Restrictions	Drainage, water, and utility easements & access right-of-way
Utilities Available	All
Total Current Assessment	The property is currently a street, and as such, is not assessed
Indicated Range of Value/Unit	\$4.00-5.00 per sq. ft.
Indicated Range of Value	\$17,340 - \$21,675
Comments	

Respectfully submitted by the Board of Assessors,

Thomas C. Nichols

RE: South Bedford Street discontinuance



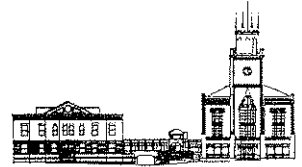


Robert S. MacKenzie, AICP  
Director

# CITY OF MANCHESTER

## Planning and Community Development

Planning  
Community Improvement Program  
Growth Management



Staff to:  
Planning Board  
Heritage Commission  
Millyard Design Review Committee

October 29, 2004

Committee on Land and Buildings  
Honorable Board of Mayor and Aldermen  
City Hall - One City Hall Plaza  
Manchester, N.H. 03101

RE: *Request by owner of TM 274, Lot 7A, to acquire a discontinued portion of South Bedford Street*

Dear Committee Members:

This is to provide a report pursuant to Section 34.20 pertaining to the above-referenced city-owned land. The Board of Mayor and Aldermen, on August 31, 2004, approved a petition to discontinue the southernmost portion of South Bedford Street running immediately before the above referenced parcel owned by Nicholas Bonardi "subject to reserving any and all utility easements". The City continued to own the property upon discontinuance. More recently, Mr. Bonardi has communicated with the City asking for permission to acquire the subject discontinued property.

### Surplus Determination:

The Planning Department has reviewed the lands in question and communicated with the Highway Department and City Clerk's Office about this matter and we have determined that there are no known City uses for the parcel. As such, we recommend that it be declared "surplus" city land.

**Disposition:** Given the City's need for an increased property tax base, the most practical method of disposing of this city-owned parcel would be to sell it to its only direct abutter, Mr. Bonardi, with the condition that it be consolidated into Mr. Bonardi's existing parcel at TM 274, Lot 7A. The Committee may wish to consider this option.

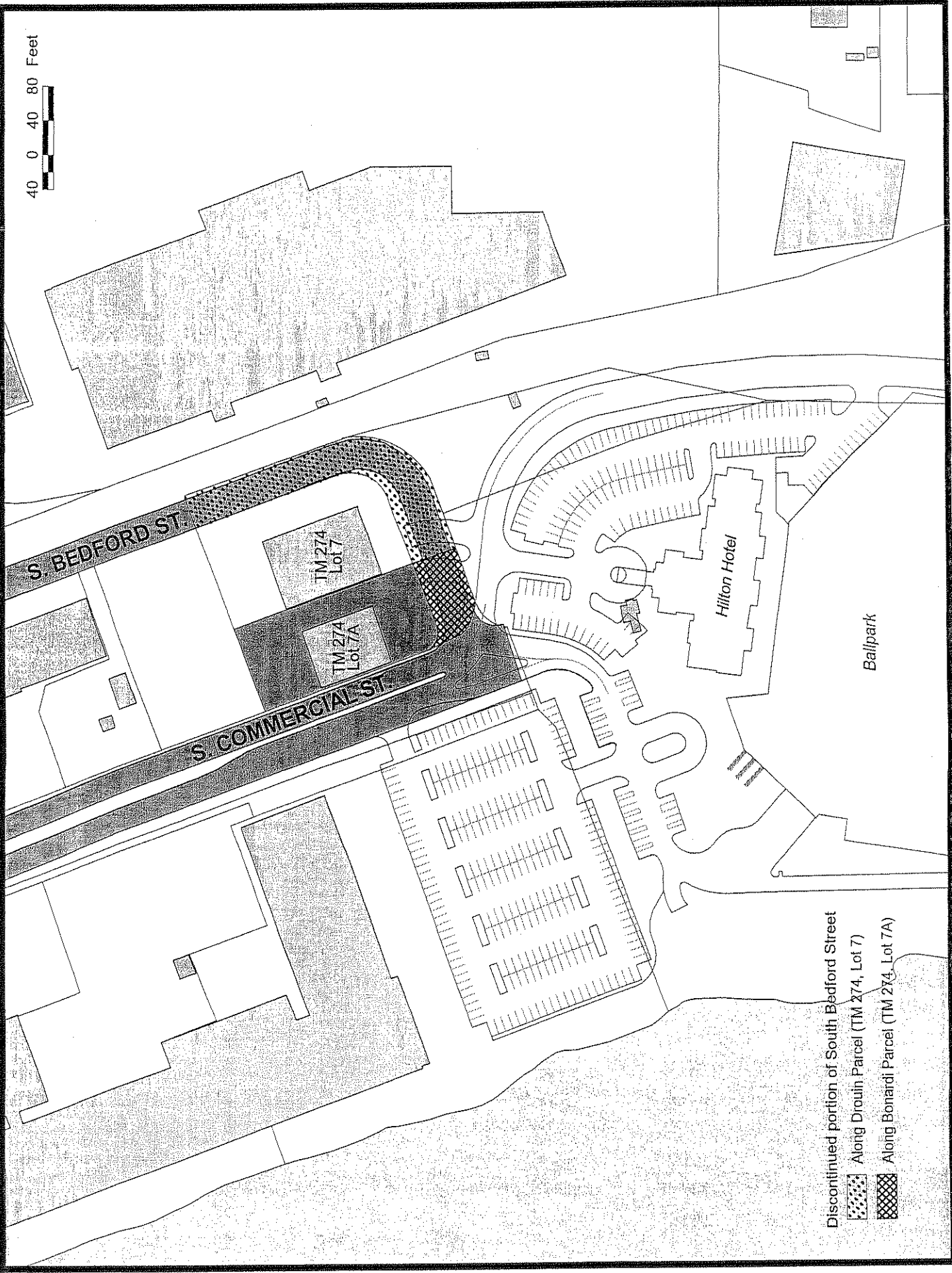
Sincerely,

Robert S. MacKenzie  
Director of Planning

One City Hall Plaza, Manchester, New Hampshire 03101  
Phone: (603) 624-6450 FAX: (603) 624-6529  
E-mail: [planning@ci.manchester.nh.us](mailto:planning@ci.manchester.nh.us)  
[www.ci.manchester.nh.us](http://www.ci.manchester.nh.us)

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Map created on 10/28/04 by the City of Manchester Planning & Community Development Department (DJB).  
Map scale: One inch = 150 feet.



Vicinity of South Commercial & South Bedford Streets

Discontinued portion of South Bedford Street  
Along Drouin Parcel (TM 274, Lot 7)  
Along Bonardi Parcel (TM 274, Lot 7A)

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City of Manchester  
Office of the Tax Collector

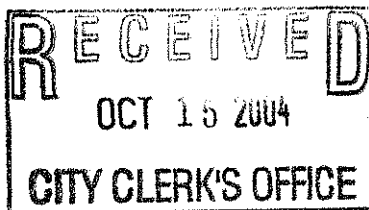
City Hall  
One City Hall Plaza - West  
Manchester, New Hampshire 03101  
(603) 624-6575 (Phone)  
(603) 628-6162 (Fax)

Joan A. Porter  
Tax Collector

## Memorandum

DATE: October 12, 2004  
TO: Land & Building Committee  
FROM: Joan A. Porter, Tax Collector *JAP*  
RE: S Bedford St @ S Commercial St

As the above-referenced property is not a tax-deeded parcel,  
the Tax Collector's office has no interest in the sale of this  
property.





**From:** Tellier, Steve  
**To:** Johnson, Carol  
**Date:** 2/13/05 11:51AM  
**Subject:** RE: bonardi

Carol,  
 Called Mr. Bonardi on Friday, Feb 11. Told him Assessors filed a report to L&B Committee on value in range of \$17,000 to \$21,000. He expressed some surprise at amount as lot across street went for approximately \$2.00 per feet. However, I explained that there were other considerations regarding that sale. He is going on vacation for a couple of weeks and when he returns he'll speak with Frank Thomas on particulars affecting the land assisting him to make a decision. Incidentally, Frank Thomas is away on vacation as well for a couple of weeks. Should you have any additional questions please direct them to Tom Nichols or Stephan Hamilton.  
 Also, just a note to let you know I'll be undergoing some minor corrective surgery on Thursday, Feb. 17. I'll be in the hospital for a couple of days and by out of the office a week or two. I will be in the office daily through Wednesday of this week.  
 Steve

-----Original Message-----

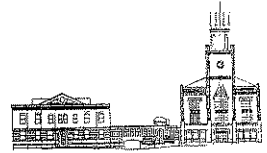
**From:** Johnson, Carol  
**Sent:** Friday, February 11, 2005 2:14 PM  
**To:** Tellier, Steve  
**Subject:** RE: bonardi

Your office should probably let him know what you have valued it at in case he has questions he can ask you directly.

**CC:** Nichols, Thomas, HAMILTON, Stephan



## CITY OF MANCHESTER Board of Aldermen



April 29, 2005

The Honorable Board of Mayor  
and Aldermen  
One City Hall Plaza  
Manchester, NH 03101

Re: Item M on May 3, 2005 BMA Agenda

Dear Colleagues:

It is my understanding that at the last meeting of the Lands and Buildings Committee they recommended selling a piece of land to Mr. Nick Bonardi for \$20,000.00.

I want to thank the Assessors for their work regarding the request, but based on the minutes, I am not sure the Committee had all of the background information that might have led to a recommendation to sell the land for considerably less money. It is my opinion that we should just turn the property over to Mr. Bonardi for the following reasons:

- 1) Mr. Bonardi cannot use the entire 4,600 sq. ft. At least half of the land is either for his driveway or for a required 10-foot buffer.
- 2) It is my understanding that Mr. Bonardi will have to spend approximately \$30,000.00 to do the improvements (that does not include any fees for engineering).
- 3) After the improvements have been completed, Mr. Bonardi will not have a "wealth" of new parking spaces. It is my understanding that the site will only allow for a net total of two (2) additional spaces.
- 4) Mr. Bonardi cannot go into the parking business. Most of his tenants operate at night and on weekends and he needs to keep his parking area available for their businesses and their customers.

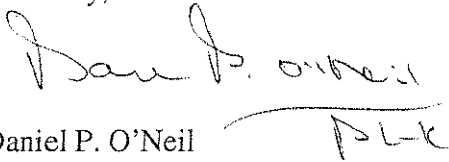
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Honorable Board of Mayor  
and Aldermen  
April 29, 2005  
Page 2

- 5) Finally, if we do not turn over the property the City will have to pay and/or do any improvements that may be required on the property and then be responsible for any maintenance of the property.

I respectfully request that this item be referred back to Committee for further review.  
Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in cursive script that reads "Daniel P. O'Neil". Below the signature is a horizontal line, and underneath that line, the letters "DLO" are handwritten.

Daniel P. O'Neil  
Alderman At-Large

pc: N. Bonardi  
R. Duval



WIGGIN & NOURIE, P.A.  
Counsellors at Law

William S. Orcutt  
worcutt@Wiggin-Nourie.com  
603-629-4553

June 1, 2005

J. WALKER WIGGIN (1901-1995)  
PAUL E. NOURIE (1908-1978)  
T. WILLIAM BIGELOW (RETIRED)  
DORT S. BIGG (RETIRED)

Hon. Henry R. Thibault, Chairman  
Committee on Land and Buildings  
c/o City Clerk's Office  
One City Hall Plaza  
Manchester, NH 03101

**RE: Property at South Commercial and South Bedford Streets**

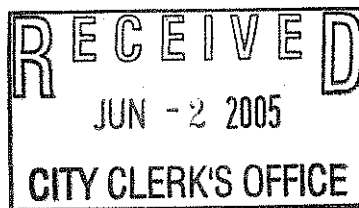
Dear Alderman Thibault:

I have been asked by Nick Bonardi to advise him of the legal aspects having to do with the above property which, as you know, abuts Mr. Bonardi's property to the south.

I would appreciate it very much if you would schedule another meeting of your Committee to consider the matter further. The property, in its present state, is not a pretty sight and Mr. Bonardi and his tenants are eager to try to resolve the matter. Moreover, now that the baseball season is under way, as well as nearby construction, further traffic problems have arisen which might be solved, at least in part, by responsible private care of the land in question.

Very truly yours,

William S. Orcutt  
WSO/cmr\00630415.DOC  
cc: Nicholas Bonardi



\* Also Admitted in Maine  
† Also Admitted in Massachusetts  
\* Also Admitted in Connecticut  
§ Also Admitted in Rhode Island

CORZILIUS MATUSZEWSKI KRAUSE ARCHITECTS, P.A.

CHK

ARCHITECTURE INTERIORS PLANNING

IN BOARD OF MAYOR & ALDERMEN

April 19, 2005

DATE: May 3, 2005

Board of Mayor & Aldermen  
City of Manchester, New Hampshire  
c/o City Clerk  
One City Hall Plaza  
Manchester, NH 03101

ON MOTION OF ALD. Shea

SECONDED BY ALD. Lopez

refer to the Committee  
VOTED TO on Lands and Buildings.

Re: 150 Dow Street

Board of Mayor & Aldermen:

Please be advised that my client, Ralph Sidore of One Dow Court Inc., would like to update and improve the appearance of the entrance to 150 Dow Street. This is to Tower No. 1, as it is called, and is located at the extreme northeast corner of the Mill Building at the intersection with Bedford Street.

One of the elements of the design includes two new raised planters – located symmetrically on each side of the entrance structure. The proposed planter on the north side (Dow Street) would encroach into the City sidewalk by two feet (2'). The sidewalk width is ten feet, three inches (10' 3") wide so, even with the planter, the sidewalk will be eight feet three inches (8' 3") wide, which I believe, is more than adequate for the sidewalk in that location. Additionally, we are adding five more lineal feet of handrail (enough to cover the entire sidewalk slope), which will improve wintertime safety. The planter inside dimension of two feet, four inches (2' 4") has been kept to the minimum commensurate with landscaping recommendations for plant survivability.

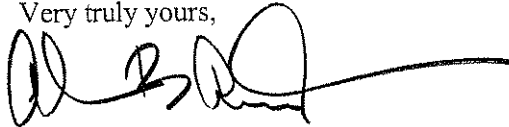
We have contacted the Building Department (Leon LaFreniere and Max Sink) about this and were advised that we would need the approval of the Mayor and Board of Aldermen, hence the reason for this letter. We believe the proposed changes, while not a major project, will materially improve the appearance of the corner by adding a little greenery where none exists now. Likewise, given the present width of the sidewalk, a reduction of two feet will still leave an ample width of eight feet plus. If approved by the Board we will proceed to submit our plans to the Building Department for permitting.

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CORZILIUS MATUSZEWSKI KRAUSE ARCHITECTS, P.A.

Board of Mayor & Aldermen  
150 Dow Street  
Page 2

Finally, I have attached the existing and proposed plans and elevations as well as photographs of the existing corner to illustrate the proposed improvements. We sincerely hope that you will agree with our proposed design and would note that there will be no cost to the City of Manchester.

Very truly yours,



Alvin B. Corzilius  
Architect

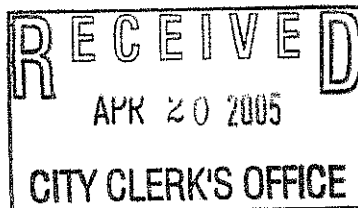


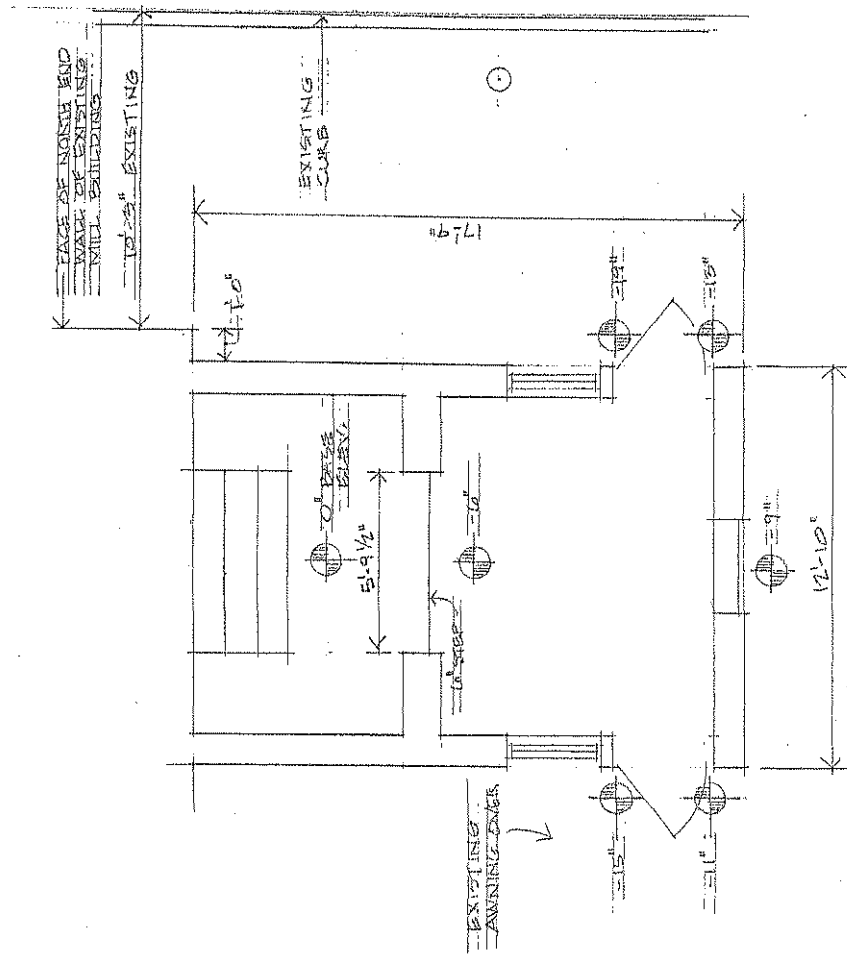
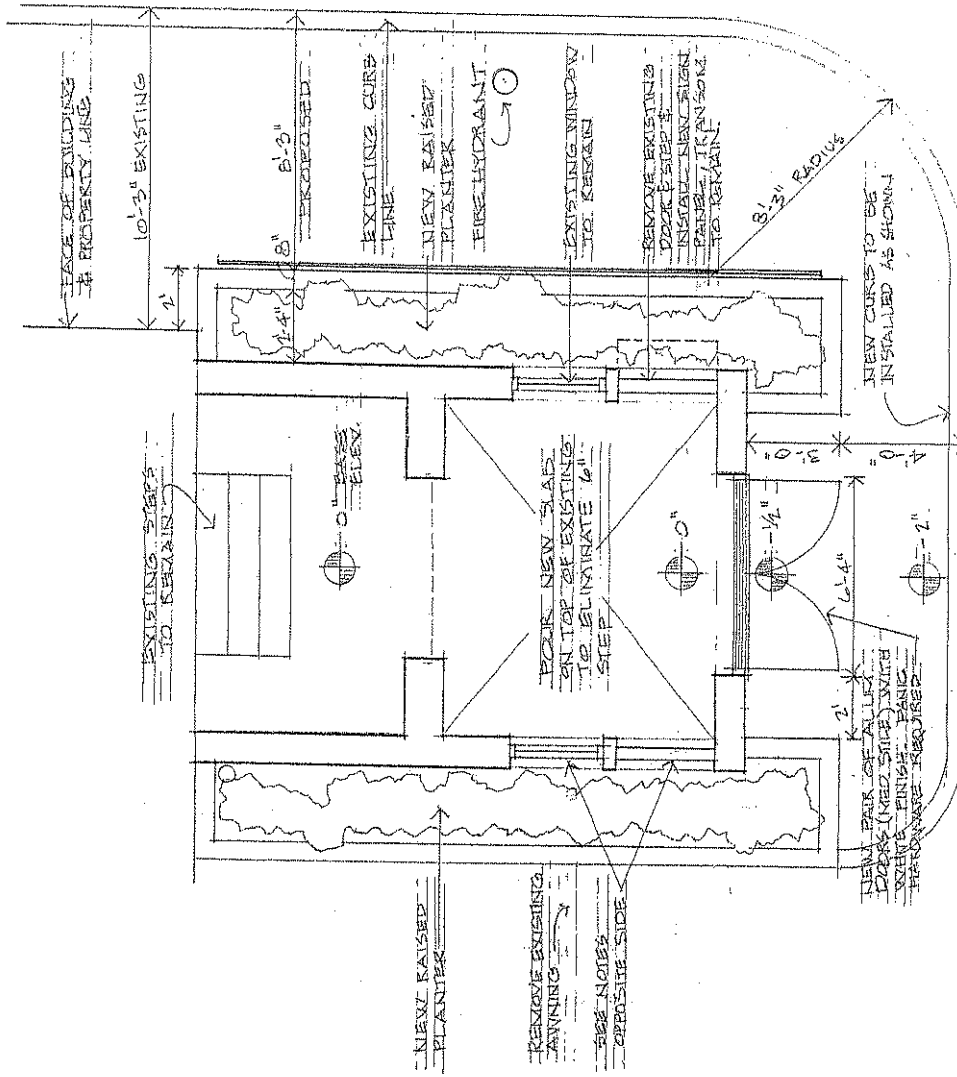
Ralph Sidore  
One Dow Court Inc.

Enclosures: Plans, Elevations, Photographs

cc: Leon LeFreniere, Building Department

05.03.Ltr.Mayor.Aldermen.04.19.05





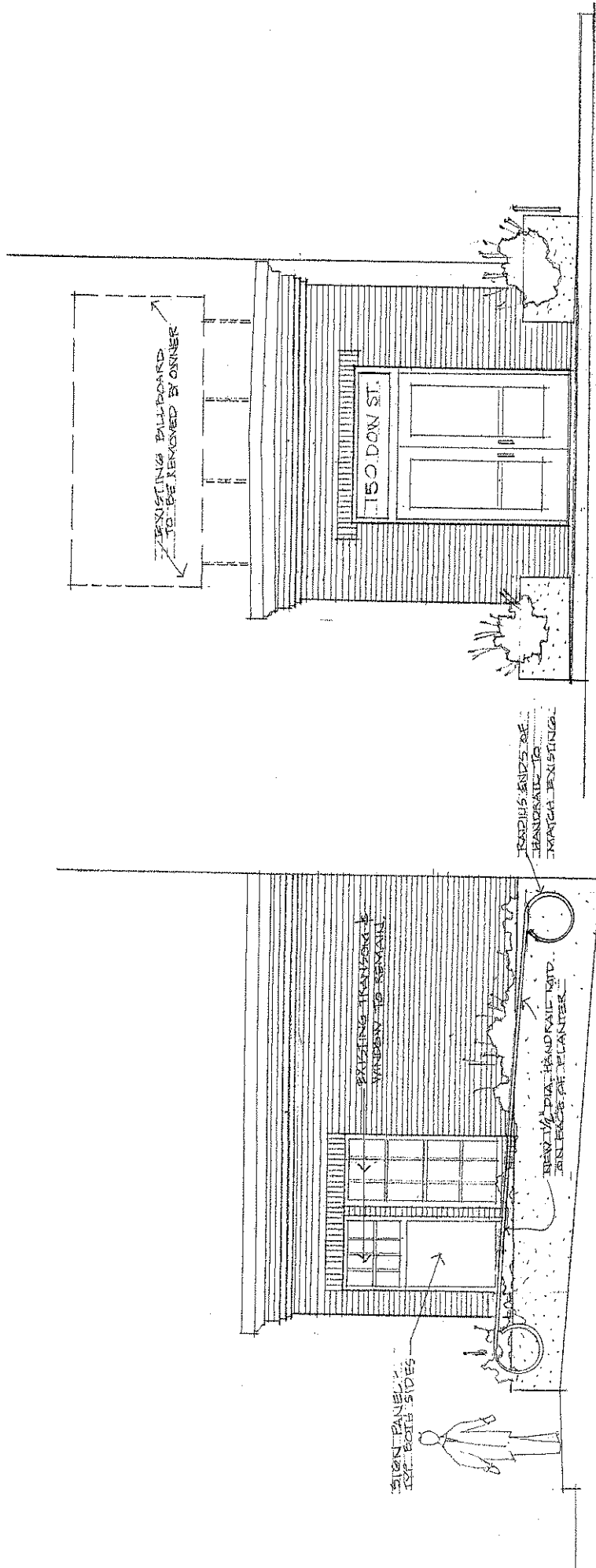
EXISTING

PROPOSED  
NEW ENTRANCE FOR 150 DOW STREET

SCALE: 1/2" = 1'-0"  
 JUNE 22, 2004  
 APRIL 15, 2005

PROJECT	150 DOW STREET
OWNER	MANCHESTER NEW HANOVER REGION
ARCHITECT	CORDELL MULLINBACH PALMER ARCHITECTS, P.A.
DATE	JUNE 22, 2004
BY	CJP

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NORTH ELEVATION

EAST ELEVATION

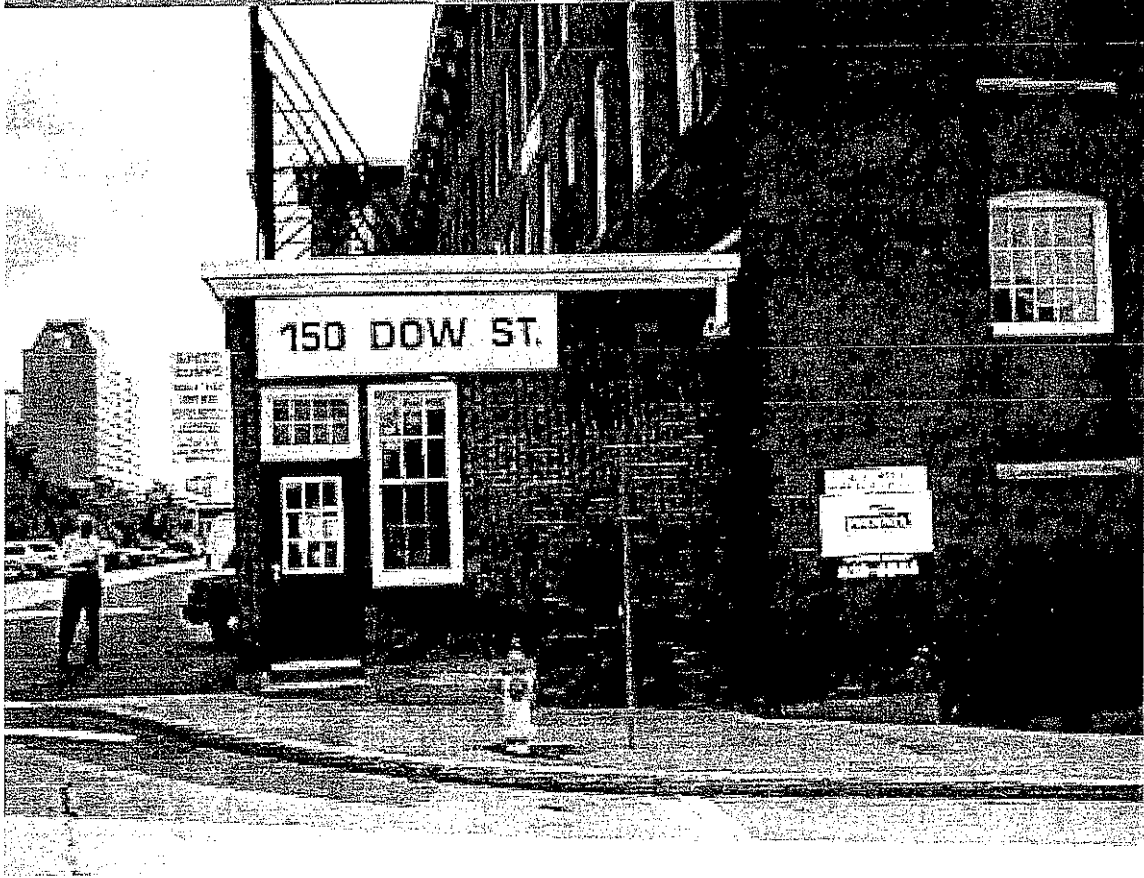
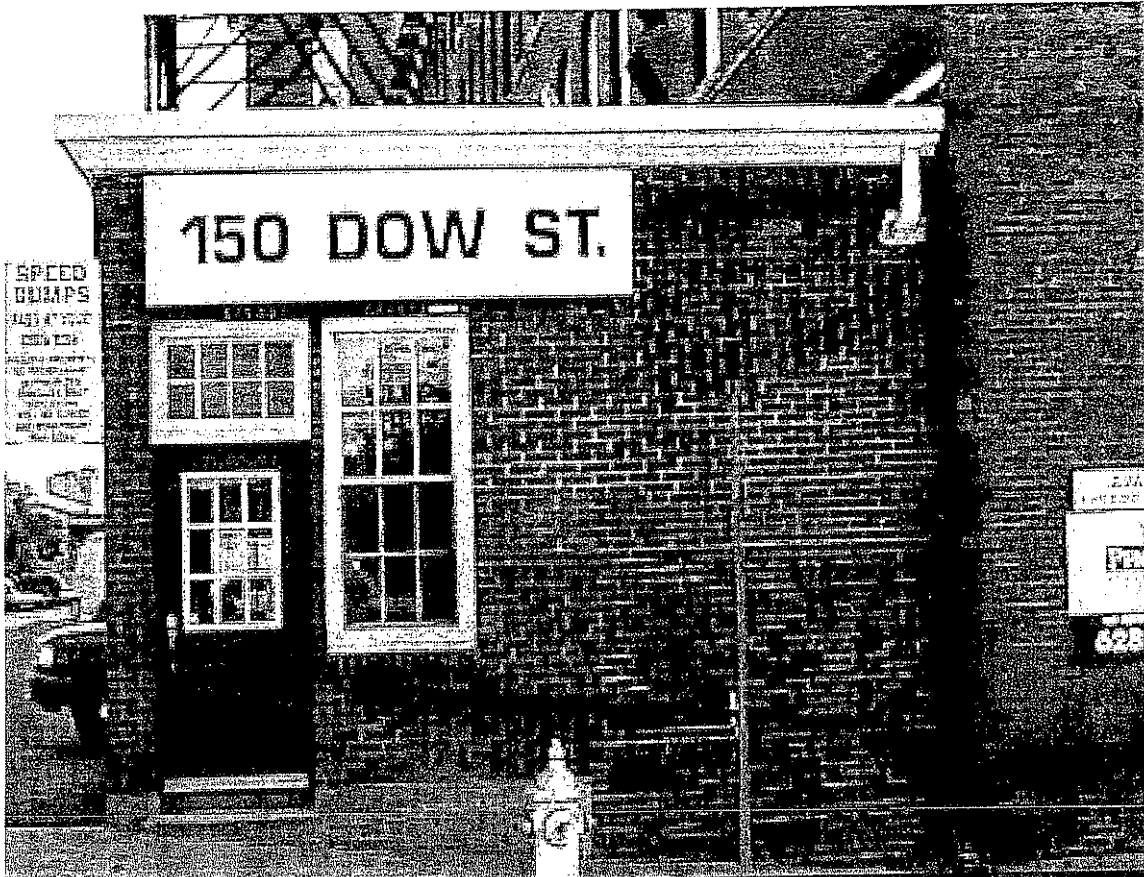
NEW ENTRANCE FOR 150 DOW STREET

SCALE: 1/4" = 1'-0"

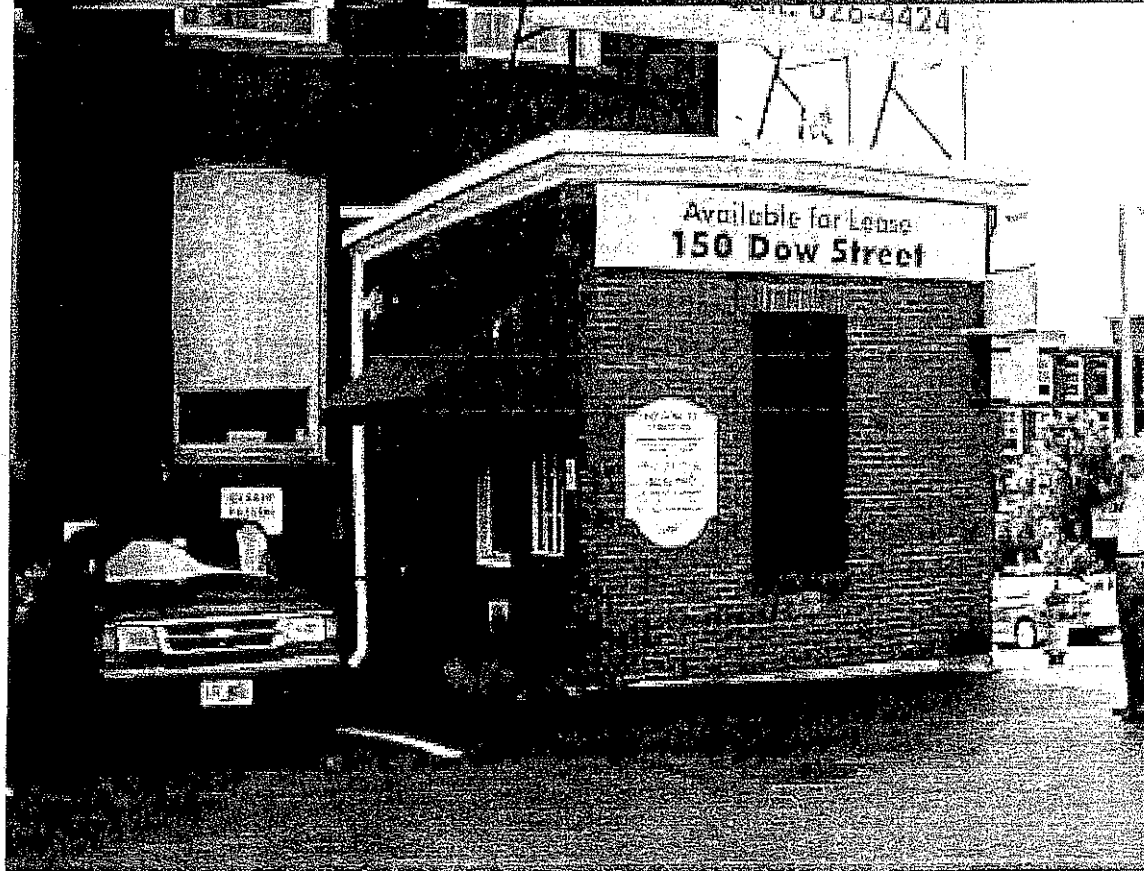
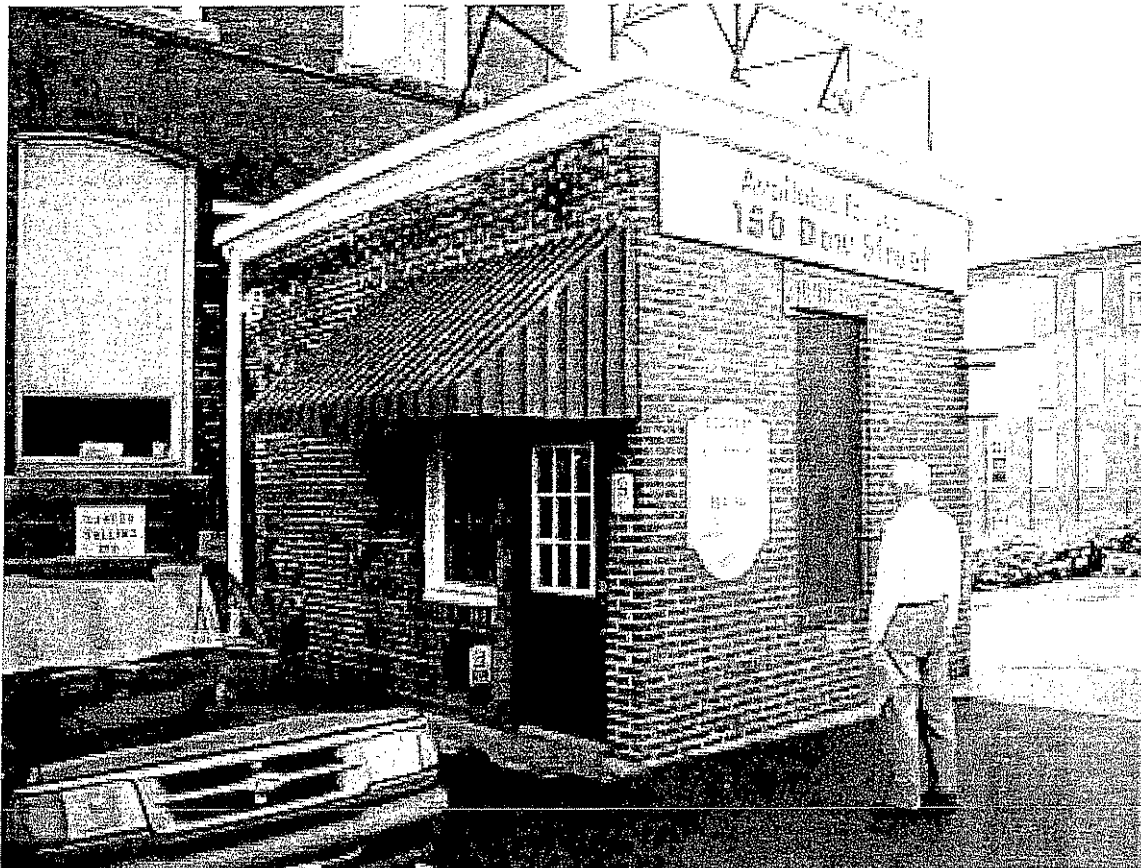
JUNE 24, 2004  
APRIL 18, 2005

PERSON	
CORLUS MATTHEW PAUSE MONTECA, PA.	
150 DOW STREET MANCHESTER, NEW HAMPSHIRE 03044	603-671-8271





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## MHRA I, Inc.

Dick Dunfey  
President

William B. Cashin  
Treasurer  
Marie E. Donohoe  
Secretary  
George N. Copadis  
Director  
Fern G. Gellinas  
Director  
M. Mary Mongan  
Director

June 7, 2005

Brian Cullen  
Offsite Property Director  
Catholic Medical Center  
100 McGregor Street  
Manchester, NH 03102

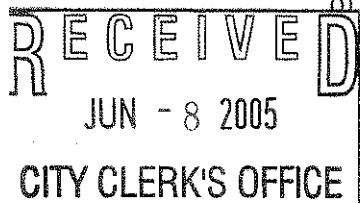
RE: Catholic Medical Center Use of the Jac Pac Site for Parking

Dear Brian:

In order to obtain approval of an agreement between Catholic Medical Center and MHRA I, Inc. for use of the Jac Pac site for temporary parking, we need to discuss the basic terms and conditions. As I understand it Catholic Medical Center is interested in leasing 350 parking spaces for approximately twelve (12) months during the construction period of Catholic Medical Center's proposed office building/parking garage. Parking would be Monday through Friday between 6:00 AM and 6:00 PM each day. The parking would begin with the start of construction, which currently is unknown, but could be as late as spring of 2006.

With your concurrence, I propose to ask the MHRA I, Inc. Board of Trustees and the Committee on Lands and Buildings of the Board of Mayor and Aldermen for approval based on the following:

1. Catholic Medical Center will be provided sufficient space on the Jac Pac property to accommodate 350 automobiles.
2. Catholic Medical Center will provide evidence of comprehensive general liability insurance with a minimum limit of \$1,000,000.00 naming MHRA I, Inc. as a certificate holder.
3. Parking shall be in areas designated on the attached site plan.
4. Catholic Medical Center, at its own cost and expense will provide maintenance, security and snow removal as necessary.
5. Catholic Medical Center agrees to pay MHA I, Inc. \$15,750.00 monthly for lease of 350 parking spaces at \$45.00 per parking space.



198 Hanover Street, Manchester, New Hampshire 03104-6125  
603 624-2100 FAX 603 624-2103 TDD 1 800-545-1833, ext. 590



- 5
6. In order to reserve this space, until construction starts, Catholic Medical Center agrees to pay MHRA I, Inc. 10% of the monthly lease, which is \$1,575.00, each month.
  7. The parties agree that if the Catholic Medical Center garage construction does not begin on or before March 1, 2006 thereafter either party may terminate this agreement upon thirty (30) days prior written notice. The agreement can also be extended with the written consent of both parties.

If these terms and conditions are satisfactory, please let me know and will seek approval as stated above and prepare a parking agreement similar to the form used by the City of Manchester for this purpose.

Do not hesitate to contact me if you have any questions or comments.

Sincerely,

MHRA I, Inc.

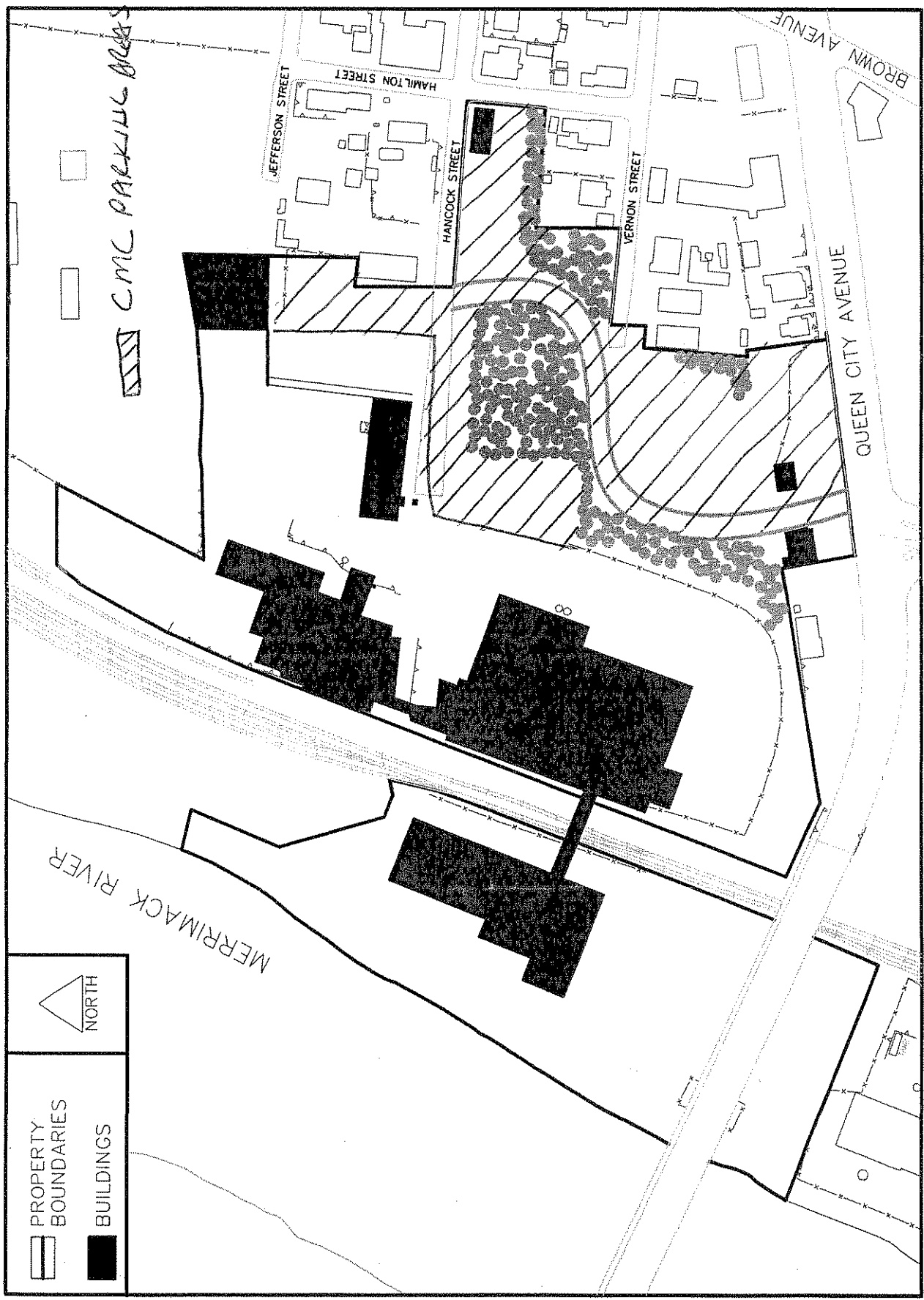


Kenneth R. Edwards  
Assistant Executive Director, MHRA

cc: Mayor Robert A. Baines  
Henry R. Thibeault, Chairman, Lands and Building Committee  
William Craig, Esq.  
Dick Dunfey, MHRA Executive Director

# JAC-PAC / TYSON FOODS PARKING PLAN

163 HANCOCK STREET, MANCHESTER, NEW HAMPSHIRE  
FEBRUARY 2005 (REVISED 3/18/05; 6/2/05)



6  
March 2, 2005

4/18/05 - Solicitor r  
Highway to come up  
with draft easement  
+ bring back to  
Committee.

Board of Mayor and Alderman  
c/o City Clerk's Office  
1 City Hall Plaza  
Manchester, NH 03101

Gentlemen;

My name is Louis Nixon, and I am writing to you today on behalf of my clients, Carol Gosselin and Bonita Kershaw. They are the daughters of Irene Richardson, deceased and the former owner/resident of 534 Douglas St. in Manchester. I am a Real Estate Broker, and am working to help Carol and Bonita sell the home on Douglas St. that was left to them when their mother passed away. The home on Douglas St. is on the banks of the Piscataquog River about ¼ mile south of the end of Whittemore St., and has been there since 1901. Between the house and Douglas St. runs the old New Hampshire Central railroad bed, now owned by the City of Manchester and slated to be a recreation walking trail.

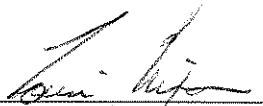
The issue which we are bringing before you is this: In the process of completing the Sale of this home, a title search has revealed that there does not appear to be any type of easement on record for access across the railroad bed to 534 Douglas St. or the neighbor at 526 Douglas St. Apparently New Hampshire Central Railroad or whomever the owner of record was did not record an easement. There is a short roadway from Douglas St. up to these two homes that the city maintains, but without an easement across the railroad bed the Buyer cannot get Title Insurance, and the property that has been there for 104 years cannot be transferred.

My clients are requesting that you, the Board of Mayor and Alderman or the appropriate committee, review this issue and grant the appropriate size easement for access to this property. There are several other homes in that area of Douglas St. that access their property across the old railroad bed, so there is some precedent in the area. Because my clients have a Sales Agreement in process and time is of the essence, they are respectfully requesting an expeditious determination by the Board and/or Committee.

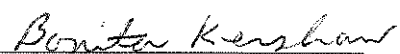
Should you have questions or need more information please don't hesitate to contact me, either at 603-234-4018 or at 603-206-9818.

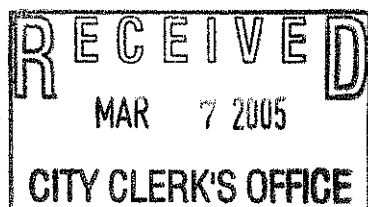
On behalf of my clients, thank you in advance for your prompt consideration and resolution of this issue.

Kind regards,

  
Louis Nixon

  
Carol Gosselin

  
Bonita Kershaw



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104

55 B (2)

# Know All Men By These Presents

THAT I, Jeannette G. Jolicœur, of Manchester, Hillsborough County, New Hampshire,

GRANTOR,  
for and in consideration of the sum of one dollar and other valuable considerations to grantor in hand, before the delivery hereof, well and truly paid by grantees hereafter named, do hereby grant, bargain, sell, and convey unto

Maurice E. Lemire and Irene R. Lemire, husband and wife,  
of Manchester, Hillsborough County, New Hampshire, GRANTEES,  
as JOINT TENANTS, with right of survivorship, but not as tenants in common, their assigns and the heirs and assigns of the survivor, forever.

A tract of land, with the buildings thereon, situate in said Manchester, bounded and described as follows, to wit:-

Beginning at a point on the west line of New Hampshire Central Railroad and the south line of land formerly owned by one Hosford; thence southerly by said railroad land about 157 feet to the south gate post as the fence now stands; thence westerly about 126 feet to the top of the bank of the Piscataquog River, the line running between two pines; thence northerly by the top of the bank of said river about 102 feet to the south line of said Hosford land; thence easterly by said Hosford land about 83 feet to the point of beginning.

Being the same premises conveyed to Jeannette G. Jolicœur by Manchester Federal Savings and Loan Association by deed dated June 6, 1941, recorded in Volume 1017, Page 168 of the Hillsborough County Registry of Deeds.



TO HAVE AND TO HOLD the said premises, with all privileges and appurtenances to the same belonging, to the said grantees, and the survivor of them, their heirs and assigns, to their use forever. And the said grantor for himself and his heirs, executors, and administrators covenant that he is the owner of said premises, seized thereof in fee simple, with full power and authority to grant and convey the same in manner aforesaid, that the premises are free and clear from all encumbrances,

and that the grantor, his heirs, executors and administrators, shall warrant and defend the same to the said grantees and their heirs and assigns against the lawful claims and demands of all persons whomsoever.

AND I, Donat Jolicœur,

we are husband and wife, and--

all right of dower, curtesy, homestead, and other interest in said premises, --wife husband of the grantor release

WITNESS OUR hand and seal this 28th day of August 19 52.

Signed, sealed and delivered in the presence of

B. P. Browne to wit

Jeannette G. Jolicœur  
Donat Jolicœur

STATE OF NEW HAMPSHIRE, HILLSBOROUGH, SS. August 28, 19 52.

Personally appeared Jeannette G. Jolicœur and Donat Jolicœur

known to me to be the above named, and acknowledged the foregoing to be their free act and deed. Before me,

Barni P. Browne  
Notary Public - Justice of the Peace.

HILLSBOROUGH SS: Received and recorded

Examined by Donat Jolicœur

Register



**City of Manchester  
Office of the City Solicitor**

One City Hall Plaza  
Manchester, New Hampshire 03101  
(603) 624-6523 Fax (603) 624-6528  
TTY: 1-800-735-2964  
Email: [solicitor@ci.manchester.nh.us](mailto:solicitor@ci.manchester.nh.us)

Thomas R. Clark  
City Solicitor

Thomas I. Arnold, III  
Deputy City Solicitor

Daniel D. Muller, Jr.  
~~Kenneth R. Bernard~~  
Michele A. Battaglia  
Marc van Zanten

June 22, 2005

Henry Thibault, Chair  
Committee on Lands and Buildings  
One City Hall Plaza  
Manchester, New Hampshire 03101

**Re: Access Easement 534 Douglas Street**

Dear Mr. Thibault:

As requested by the Committee on Lands and Buildings I have enclosed a draft access easement for 534 Douglas Street. As Carol Gosselin and Bonita Kenshaw, the owners of 534 Douglas Street have indicated that this easement is time sensitive as they have a waiting buyer for the property you may wish to consider a telephone poll of the Committee relative to its recommendation as to granting of the proposed easement.

Please note that the City's Transportation Enhancement Agreement for Manchester, State Project: 13103, Federal Project: STP-TE-X-5285 (036) requires that the City obtain the State's permission prior to disposing of any portion of the Goffstown Branch Railroad Corridor. As I have not yet succeeded in getting state approval I would recommend that the proposed easement be granted subject to the review and approval of the City Solicitor.

Please call should you have any questions.

Very truly yours,

Thomas I. Arnold, III  
Deputy City Solicitor

TIA/hms  
Pc: Ald. Gatsas



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## EASEMENT

KNOW ALL MEN BY THESE PRESENT that the City of Manchester, New Hampshire, (herein after Grantor), a body corporate and politic, with an address of One City Hall Plaza, Manchester, New Hampshire for consideration paid, grants to Carol Gosselin, with an address of 10 Roy Road, Hooksett, New Hampshire 03106 and Bonita Donovan, with an address of 1 Independence Drive, Derry, New Hampshire 03038 (herein after Grantees) without covenants or warranties the non exclusive right to pass and repass by foot, machine or motor vehicle over land of the Grantor situated in the City of Manchester, County of Hillsborough, State of New Hampshire being more particularly described as follows:

Beginning at the New Hampshire State Plane Coordinate System point Northing = 177329.74 Easting = 1033330.78 being the Northeast corner of the within conveyed easement thence:

1. S 37° 31' 10" E 77.35 feet along the western boundary of the former New Hampshire Central Railroad right of way to a point; thence,
2. S 27° 35' 16" E 85.67 feet to a point; thence,
3. S 62° 24' 44" W 34.13 feet to a point; thence,
4. N 38° 20' 46" W 76.41 feet the eastern boundary of the former New Hampshire Central Railroad right of way to a point; thence,
5. N 05° 35' 39" W 93.61 feet to the point of beginning

Reserving to the Grantor the right in its sole and unfettered discretion to change or modify, in whole or in part the metes and bounds of this easement above described provided that the Grantees shall have at minimum a ten (10) foot wide easement to access their properties, after any such change or modification.

This easement is specifically limited to the right to pass and repass by foot or motor vehicle for the sole purpose of giving the Grantees access to their residential property at 534 Douglas Street, Manchester, New Hampshire (Manchester Tax Map 763, Lot 6) for residential purposes and for no other purpose. This easement does not include the right to modify the land comprising such easement by, including but not limited to, paving or grading. The Grantees shall not park any vehicle, motor or otherwise, within the easement area.

This easement is subject to regrading, resloping and use of the former railroad bed for any purpose deemed appropriate by the Grantor.

Meaning and intended to convey an easement over a portion of the premises conveyed to the within Grantor by deed of the State of New Hampshire, dated February 26, 2001 and recorded in the Hillsborough County Registry of Deeds at Book 6367, Page 1698.

6  
Witness the hand of the City of Manchester this \_\_\_\_\_ day of \_\_\_\_\_, 2005

The City of Manchester, New Hampshire

By \_\_\_\_\_  
Robert A. Baines, Mayor

STATE OF NEW HAMPSHIRE  
COUNTY OF HILLSBOROUGH, ss

Before me, the undersigned officer, personal appeared Robert A. Baines, Mayor of the  
City of Manchester who acknowledged the foregoing easement, this \_\_\_\_\_ day of  
\_\_\_\_\_, 2005.

\_\_\_\_\_